



**Homeland  
Security**

**Implementation Plan  
For Executive Order 13522**

**March 8, 2010**

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## Organizational Overview

On November 25, 2002, the *Homeland Security Act* was signed into law merging 22 Federal organizations into the newly created Department of Homeland Security (DHS). DHS is the lead Federal agency for mitigating vulnerabilities, threats, and incidents from terrorism. Its responsibilities include preparing for, responding to, and recovering from natural disasters, stemming drug flows, thwarting fraudulent immigration, strengthening border security, promoting the free flow of commerce, and maintaining civil rights.

DHS has 26 bargaining units with approximately 63,000 represented employees in its Operational and Support Components. The American Federation of Government Employees (AFGE) represents employees at U.S. Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services, Federal Emergency Management Agency (FEMA), U.S. Immigration and Customs Enforcement (ICE), National Protection and Programs Directorate (NPPD), and U. S. Coast Guard (USCG). The National Treasury Employees Union (NTEU) also represents employees at CBP. Both AFGE and NTEU have been granted national consultation rights due to the large numbers of employees they represent across the Department. Several smaller bargaining units exist within USCG and are represented by the following labor organizations: Metal Trades Council, International Association of Machinists and Aerospace Workers, National Federation of Federal Employees, Service Employees International Union, International Brotherhood of Boilermakers, International Association of Firefighters, National Association of Government Employees, and International Brotherhood of Painters and Allied Trades.

## Current and Proposed Labor-Management Committees

DHS has existing local labor-management committees, labor-management forums, or partnership councils and will be creating such at locations where they do not currently exist. Below is a summary of the current and future activities planned with respect to local labor-management committees:

**U.S. Customs and Border Protection:** AFGE National Border Patrol Council and executive members of the Office of Border Patrol meet quarterly. CBP also has other formal labor-management committees at the Port or Field Office level that meet on a variety of schedules.

Plans are being developed to implement a labor-management forum at the level of recognition with NTEU, i.e. at the CBP Component level. A forum at and below the level of recognition has been negotiated with NTEU and will be implemented upon completion of the current contract negotiations.

**Federal Emergency Management Agency:** The nine AFGE bargaining units at FEMA formed a Partnership Council in 1993 which meets quarterly. In addition, several of their bargaining units have mini-partnership councils or committees with varying levels of activity.

FEMA plans to continue addressing labor-management issues above the level of recognition with their Partnership Council since many of the policies come from a higher level than the local organization.

**U.S. Coast Guard:** Recently the AFGE units consolidated to form Council 120. The USCG, however, has continued to recognize the councils, boards, and committees at the local levels. The groups meet on varying schedules that have been determined by the local parties.

USCG plans to suggest to AFGE Council 120 that a formal labor-management council be established at the headquarters level. They also plan to engage the non-AFGE unions at the local level and will encourage labor-management councils where no such formal labor-council exists.

**U.S. Immigration and Customs Enforcement:** ICE is considering the establishment of labor-management forums. The composition of the forums has not yet been determined. Details concerning the structure, composition, and operation of the forums are in the design stage.

**U.S. Citizenship and Immigration Services:** Labor-management committees have been established at the level of recognition, i.e. the national level, and will continue.

**Federal Law Enforcement Training Center:** Currently, no labor-management forum exists at FLETC, however, one is being established. The FLETC labor-management forum will be jointly chaired by the FLETC Director and the President of AFGE Local 2002 and will consist of the FLETC Director, President of AFGE Local 2002, the Deputy Director, Executive Vice-President of AFGE Local 2002, Assistant Director for Administration Directorate, Assistant Director for Field Training Directorate, the Assistant Director for the Glynco Training Directorate, and the Vice-Presidents of AFGE Local 2002 who represent the staff and instructors. The Chief of the Employee and Labor Relations Branch will be the principal advisor to the parties of the labor-management forum.

**National Protection and Programs Directorate:** A petition is currently pending before the Federal Labor Relations Authority concerning recognition of the transferred employees of the Federal Protective Service. Once the representational issue has been settled, NPPD will address the establishment of labor-management forums, including their composition and structure.

## **DHS Labor-Management Forum**

DHS has established a Department-wide labor-management forum with its two largest labor organizations, AFGE and NTEU, holding national consultation rights, as well as management representatives from several of its Components. A copy of the order from Secretary Napolitano, coordinated with DHS Components, NTEU National, and AFGE National follows. The group will meet periodically and will:

- 1) provide oversight to the Component labor-management forums
- 2) meet to identify mission-linked or process improving performance goals by using a facilitator from the Federal Mediation Conciliation Service, if available
- 3) work with the local councils and committees to determine bargaining unit specific metrics to monitor progress
- 4) respond to inquiries and taskings from the National Labor-Management Council
- 5) solicit participation in pilot projects described in Section 4 of Executive Order 13522.

## **DHS Baseline Assessment**

DHS plans to conduct a baseline assessment no later than September 2010 of its represented workforce to determine the current state of labor relations throughout the Department. An online survey tool will be identified and survey questions will be developed with input from both AFGE and NTEU. DHS has also suggested to the Office of Personnel Management (OPM) that it consider standardizing survey questions and incorporating them into the OPM Employee Viewpoint Survey in order to compare similar data across government, rather than having wide variances between departments or agencies within the Executive Branch.

## **Resource Statement**

DHS believes it is adequately resourced to carry out Executive Order 13522 as there are already many functioning labor-management committees in place. DHS is also working with the Federal Mediation and Conciliation Service to provide training at multiple locations around the country for labor and management representatives to develop skills in working collaboratively and problem-solving. DHS looks forward to improving the delivery of critical services by gaining valuable insight and information from our employees and their representatives.

## **(b)(1) Bargaining at DHS**

Several FEMA organizations currently have language in their collective bargaining agreements permitting negotiation of permissive topics. The Department is willing to share current information about FEMA with the National Council and will also address the subject of pilot projects under the Executive Order with the members of the DHS Labor-Management Forum when it meets.

## **DHS LABOR-MANAGEMENT FORUM**

Pursuant to Executive Order 13522, dated December 9, 2009, I hereby establish a labor-management forum for the Department of Homeland Security (DHS) as follows:

**Section 1.** *The DHS Labor-Management Forum.* There is established the Department of Homeland Security Labor-Management Forum.

**(a) Membership.** The DHS Forum shall consist of the following members:

- (1) Deputy Secretary for Homeland Security, or designee
- (2) Chief Human Capital Officer for DHS
- (3) President, American Federation of Government Employees (AFGE), AFL-CIO, or designee, plus up to five DHS AFGE representatives designated by AFGE
- (4) President, National Treasury Employees Union (NTEU), or designee, plus up to five DHS NTEU representatives designated by NTEU
- (5) President, AFGE National Border Patrol Council, or designee
- (6) Commissioner, U.S. Customs and Border Protection, or designee
- (7) Assistant Secretary, U.S. Immigration and Customs Enforcement, or designee
- (8) Director, U.S. Citizenship and Immigration Services, or designee
- (9) Commandant, U.S. Coast Guard, or designee
- (10) Director, Federal Law Enforcement Training Center, or designee
- (11) Administrator, Federal Emergency Management Agency, or designee
- (12) Assistant Secretary/Administrator, Transportation Security Administration, or designee

**(b) Responsibilities and Functions of the DHS Forum.** The members will:

- (1) Proactively identify problems and craft solutions to better serve DHS customers and the Department's mission
- (2) Engage in pre-decisional matters and make a good faith attempt to resolve issues concerning proposed Department-wide changes to conditions of employment
- (3) Evaluate and document progress and improvements in employee satisfaction, manager satisfaction, and organizational performance resulting from the labor-management forums
- (4) Conduct a baseline assessment of DHS employee representatives and managers engaged in bargaining no later than September 2010 to assess the current state of labor relations within DHS. Annual surveys thereafter will be conducted to evaluate improvement
- (5) Establish metrics to measure effectiveness of the Component labor-management forums, councils, or committees

- (6) Identify a limited number of mission-linked or process-improving performance goals for the Department or determine to address this through local labor-management committees and councils
- (7) Provide oversight to labor-management councils or committees established within DHS Components to include: promoting partnership efforts between labor representatives and management within DHS Components
- (8) Provide information to the National Council on Federal Labor-Management Relations when requested.

**(c) Administration of the DHS Forum**

- (1) The Deputy Secretary for Homeland Security will serve as Chair of the DHS Forum.
- (2) The DHS Forum will periodically seek input from DHS Components and their union representatives who are not members of the DHS Forum.
- (3) To the extent permitted by law and subject to the availability of appropriations, DHS shall provide such facilities, support, and administrative services to the Council as the Deputy Secretary determines appropriate.
- (4) Members of the DHS Forum shall serve without compensation for their work on the DHS Forum, however, DHS employees may be allowed travel expenses.
- (5) All DHS Component labor-management committees shall provide the DHS Forum such assistance, information, and advice as the DHS Forum may request.
- (6) The DHS Forum will meet periodically as needed to address issues brought forward by its members and to review information from the National Council and/or Component labor-management councils, committees, and forums.

**Section 2.** DHS Components are required to establish labor-management committees in organizations that are subject to the provisions of Chapter 71, Title 5 at the level of recognition or other appropriate levels agreed to by exclusive representatives and management or by adapting existing councils or committees to help identify problems and propose solutions to better serve the public and the DHS mission. Such committees/councils will be responsible for promoting partnership efforts in their organization, and responding to requests for information from the DHS Forum.

**Section 3.** *Responsibilities of DHS Component Labor-Management Committees/Councils*


- (a) The parties will proactively identify problems and propose solutions to better serve Component customers and the DHS mission.
- (b) The parties will identify bargaining-unit specific metrics to monitor progress towards mission-linked or process-improving performance goals as well as

performance trends in labor-management satisfaction, productivity gains or cost savings.

- (c) At the level of exclusive recognition, management will engage in pre-decisional involvement in workplace matters to the fullest extent practicable, without regard to whether those matters are negotiable subjects of bargaining under 5 U.S.C 7106 and make a good faith attempt to resolve issues concerning proposed Department or Component-initiated changes to conditions of employment.
- (d) Adequate information on such matters will be provided expeditiously to union representatives by the Component where not prohibited by law.
- (e) Provide requested information to the DHS Forum or Council when requested.

**Section 4. *General Provisions***

- (a) Nothing in this order shall abrogate any collective bargaining agreements.
- (b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.
- (c) This order is intended to carry out Executive Order 13522 and to improve the internal management of the DHS and does not create any right to administrative or judicial review, or any other right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, DHS, its officers, employees, agents, or any other person.

  
Janet Napolitano, Secretary

3/10/10  
Date